

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 04-12629-RWZ

USGEN NEW ENGLAND, INC., a
Subsidiary of NATIONAL ENERGY &
GAS & GAS TRANSMISSION, INC.,
f/k/a PG&E NATIONAL ENERGY
GROUP, INC.,

Plaintiff,

v.

BENTLY PRESSURIZED BEARING
COMPANY, f/k/a BENTLY NEVADA
CORPORATION,

Defendant

**JOINT MOTION TO EXTEND
DISCOVERY AND RELATED
DEADLINES**

The above-captioned parties, USGen New England, Inc., a subsidiary of National Energy & Gas Transmission, Inc., f/k/a PG&E National Energy Group, Inc. (“USGen”) and Bently Pressurized Bearing Company, f/k/a Bently Nevada Corporation (“Bently”) hereby jointly move this court to extend the discovery and related deadlines in this matter by ninety (90) days in order to allow the parties to participate (with counsel and with expert witnesses), in a scheduled conference to negotiate the parameters of a global resolution without having to undertake the expense of further discovery, including multiple depositions inside and outside of the Commonwealth. The current Scheduling Order calls for the conclusion of fact discovery by February 16, 2006, and for conclusion of expert discovery by May 18, 2006. As further grounds in support of their motion, the parties state as follows:

1. The parties have worked together cooperatively and extensively throughout this case, including with third-party witnesses, and have exchanged voluminous documents and other written discovery.

2. The parties have retained expert witnesses, and through ongoing negotiations, have scheduled a formal settlement conference in Boston for March 27-28, 2006 at which the parties and their experts will attempt to reach a common understanding of the technical issues involved in the case (and the effect of these issues on liability and damages) and attempt to fashion a global resolution of the respective claims and defenses.

3. The parties respectfully request that the fact and expert discovery deadlines be extended respectively to May 15, 2006 and July 12, 2006, to allow for the settlement conference to occur, to allow the parties to attempt to negotiate a global resolution, and to afford adequate time to finalize depositions and remaining discovery if a settlement is not reached.

In accordance with these proposed amended discovery deadlines, the parties respectfully request a commensurate continuance of the Status Conference to July 14, 2006, and an extension of the Summary Judgment deadline to August 21, 2006, or to such other dates as may be convenient for the Court.

[Remainder of page intentionally left blank]

WHEREFORE, the parties in this matter move the Court to extend the discovery deadlines as set forth above to May 15, 2006 (for fact discovery), and July 12, 2006 (for expert discovery); and to continue commensurately the Scheduling Conference and the Summary Judgment deadlines.

USGEN NEW ENGLAND, INC., a subsidiary
of NATIONAL ENERGY & GAS
TRANSMISSION, INC., f/k/a PG&E
NATIONAL ENERGY GROUP, INC.,

By its Attorneys,
HARE & CHAFFIN

/s/ Kathleen A. Kelley
Kathleen A. Kelley, Esq.
BBO No. 562342
Hare & Chaffin
160 Federal Street, Fl. 23
Boston, MA 02110
(617) 330-5000

and

William T. Sebesta, Esq.
Texas Bar No. 00784941
Donato, minx & Brown
3200 Southwest Freeway – Suite 2300
Houston, TX 77027-1112
(713) 877-1112

BENTLY PRESSURIZED BEARING
COMPANY, f/k/a BENTLY NEVADA
CORPORATION,

By its Attorneys,
RIEMER & BRAUNSTEIN LLP

/s/ Craig J. Ziady
Craig J. Ziady, BBO No. 565216
Rierner & Braunstein LLP
Three Center Plaza
Boston, Massachusetts 02108
(617) 523-9000